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CLEARINGHOUSE RULE 00-111

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. The phrase “needs to be” in s. NR 716.15 (2) (d) 7. appears to express a requirement of the rule. The two occurrences of the phrase should be replaced by “shall be.”

b. Section NR 716.15 (2) (d) 7. contains a reference to Appendix B, which is created in the rule. Appendix B establishes four requirements for geographic position information. It appears that Appendix B is referenced only in this provision of the rule. Ordinarily, an appendix is used for provisions that apply to an entire chapter or to a number of provisions in a rule. Is there any reason why the requirements of Appendix B cannot be incorporated into s. NR 716.15 (2) (d) 7.?

c. SECTION 4 creates Appendix B in ch. NR 716. If this appendix is maintained as a separate provision of the rule, it would be useful to have additional information explaining the purpose for the provisions of the appendix. Also, it does not appear that there is an Appendix A in ch. NR 716.

d. Indefinite references, such as “herein” in s. NR 726.05 (3) (a) 4. (intro.), should be replaced by specific references. In this case, “in this subdivision” should be substituted.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. Section NR 716.15 (2) (d) 7. requires a certain identifiable location to be at least 40 feet inside of the property boundary. Will this requirement work effectively if a parcel is less than 80 feet wide?

b. In ch. NR 716 Appendix B, the first paragraph refers to a property that is less than 200 feet wide or long and to property that is greater than 200 feet wide or long. In order to include a property that is 200 feet wide or long, either the phrase “not more than 200 feet” or “200 feet or greater” should be used. In par. (3), the word “a” should be inserted before each occurrence of the phrase “global positioning system.”

c. Section NR 726.05 (3) (a) 4. f. refers to “attached legal descriptions.” What are these legal descriptions and where are they attached?